IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant:	:	Paul F. McMahan et al.	
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APPEAL BRIEF IN COMPLIANCE WITH 37 CFR 41.37

In response to the Notice of Panel Decision from Pre-Appeal Brief Review dated as mailed July 9, 2008, this appeal brief is being submitted. The Notice of Appeal was acknowledged as being received on June 25, 2008.

I. Real Party in Interest

The real party in interest is International Business Machines (IBM) Corporation, assignee of record.

II. Related Appeals and Interferences

There are no other appeals or interferences, known to the Appellants, or Appellants' legal representatives, which will directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

III. Status of Claims

Claims 1-2, 5-16, 20-21, and 40-46 stand rejected. Claims 3-4, 17-19, and 22-39 have been cancelled. Claims 1-2, 5-16, 20-21, and 40-46 are being appealed.

IV. Status of Amendments

There were no amendments filed after the final Office Action dated as mailed March 25, 2008. Applicants chose to proceed directly with this appeal. All previous papers filed by Applicants have been entered.

V. Summary of Claimed Subject Matter

The present invention relates to a method for managing interrupts in an instant messaging (IM) application. When an interrupt request is received during an ongoing IM conversation, the method determines whether the interrupting party or contact has an interrupt priority ranking higher than, or at least as high as, an interrupt priority ranking of each of the participants in the ongoing IM conversation and/or whether the IM conversation intended by the interrupting party or contact has a higher priority compared to the ongoing IM conversation. The ongoing IM conversation is interrupted in response to one of the interrupt priority ranking of the interrupting contact being higher than, or at least as high as, the interrupt priority ranking of each of the participants in the ongoing IM conversation and the IM conversation intended by the interrupting party having a higher interrupt priority ranking compared to the interrupt priority ranking of the ongoing IM conversation.

Claims 1, 16, and 40 are independent claims. Claims 2 and 5-15 are dependent claims depending either directly or indirectly from independent claim 1 and stand rejected in the present application. Claims 20 and 21 are dependent claims that depend directly from independent claim 16 and also stand rejected in the present application. Claims 41-46 are dependent claims depending either directly of indirectly from independent claim 40 and stand rejected in the present application.

Independent claim 1 is a method claim. Claim 1 recites "A method for managing interrupts in an instant messaging application, comprising: receiving an interrupt request form an interrupting contact during an ongoing instant messaging conversation between at least two contacts." This feature of claim 1 is described in the specification in paragraphs [0017] and [0027] and in Figure 1, block 106, and in Figure 4, reference numeral 408. Claim 1 also recites "determining at least one of whether the interrupting contact has an interrupt priority ranking

higher than, or at least as high as, an interrupt priority ranking of each of the at least two contacts participating in the ongoing instant messaging conversation and whether an interrupting conversation has a higher priority compared to the ongoing instant messaging conversation." This aspect of claim 1 is described in the specification in paragraph [0018] and in Figure 1, block 108, and in paragraph [0027] and Figure 4 reference numeral 410. Claim 1 further recites "interrupting the ongoing instant messaging conversation in response to a predetermined one of the interrupt priority ranking of the interrupting contact being higher than, or at least as high as, the interrupt priority ranking of each of the at least two contacts participating in the ongoing instant messaging conversation and the interrupting conversation having a higher interrupt priority ranking compared to the interrupt priority ranking of the ongoing instant messaging conversation." These features of claim 1 are described in the specification in paragraphs [0023], in Figure 1, block 112, and in the specification paragraph [0028] and in Figure 4 reference numeral 416.

Dependent claim 2 is a method claim and depends directly from independent claim 1. Claim 2 recites: "selecting a precedence between interrupting the instant messaging conversation based on the interrupt priority ranking of the interrupting contact relative to the interrupt priority ranking of each of the at least two contacts and the interrupt priority ranking of the interrupting conversation relative to the interrupt priority ranking of the instant messaging conversation." This feature of claim 2 is described in the specification in paragraph [0030].

Dependent claim 5 is a method claim and depends directly from independent claim 1. Claim 5 recites: "sending a contact busy message to the interrupting contact in response to at least one of the interrupt priority ranking of the interrupting contact being no higher than the interrupt priority ranking of each of the at least two contacts and the interrupt priority ranking of the interrupting conversation being no higher than the interrupt priority ranking of the ongoing instant messaging conversation." The feature of claim 5 is described in paragraph [0023] and reference numeral 100 in Figure 1, paragraph [0027] and reference numeral 412 in Figure 4, and paragraph [0033] and reference numeral 532 in Figure 5.

Dependent claim 8 is a method claim and depends directly from claim 1. Claim 8 recites: "sending an interrupt notification to any of the at least two contacts of the instant messaging

conversation not contacted by the interrupting contact in response to interrupting the instant messaging conversation." This feature of claim 8 is described in paragraphs [0023] and [0029] of the specification.

Dependent claim 9 is a method claim and depends directly from claim 1. Claim 9 recites: "resuming the instant messaging conversation in response to the interrupting conversation being completed." The operations of claim 9 are described in paragraph [0024] and reference numerals 104 and 116, and in paragraph [0029] and reference numerals 406 and 420.

Depend claim 10 is a method claim and depends directly from claim 1. Claim 10 recites: "setting an instant messaging conversation priority." This feature of claim 10 is described in the specification in paragraph [0031] and reference numeral 520 in Figure 5.

Dependent claim 13 is a method claim and depends directly from claim 1. Claim 13 recites: "assigning an interrupt priority ranking to all contacts in an instant messaging contacts list in a user's communications device." This feature of claim 13 is described in paragraph [0022] of the specification and reference numeral 308 in Figure 3.

Independent claim 16 is a method claim and recites similar features to independent claim 1. Claim 16 also recites "permitting the ongoing instant messaging conversation to be interrupted in response to interrupts being selectively permitted." This feature of claim 16 is described in the specification in paragraph [0031] as a function of the "BLOCK INTERRUPTS" radio button 518 in Figure 5 which may be operated to selectively permit or block interrupts. Claim 16 also recites "sending an interrupt blocked message to the interrupting contact in response to interrupts being selectively blocked." This aspect of claim 16 is described in the specification in paragraph [0033].

Dependent claim 21 is a method claim and depends directly from claim 16. Claim 21 recites the same features of claim 8 described above.

Independent claim 40 is a method claim. Independent claim 40 recites "a method for managing interrupts in an instant messaging application, comprising: receiving an interrupt request from an interrupting contact or user during an ongoing instant messaging conversation between at least two contacts or users. This feature of claim 40 is described in the specification in paragraph [0017] and in Figure 1, block 106. Claim 40 also recites "determining whether the

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interrupting contact or user has an interrupt priority ranking in a contacts list higher than, or at least as high as, a priority ranking of each of the at least two contacts or users in the contacts list participating in the ongoing instant messaging conversation." This feature of claim 40 is described in paragraph [0018] of the specification and block 108 of Figure 1. Claim 40 further recites "interrupting the ongoing instant messaging conversation in response to the interrupt priority ranking of the interrupting contact or user being higher than, or at least as high as, each of the at least two contacts or users." This feature of claim 40 is described in the specification in paragraph [0023] of the specification and block 112 of Figure 1.

Dependent claim 41 is a method claim and depends directly from independent claim 40. Claim 41 recites "dividing the contacts list into a primary contacts list and a normal contacts list, wherein the primary contacts list permits a user to specify the interrupt priority ranking for selected contacts by listing contacts in an order according to their respective interrupt priority order and wherein the normal contacts lists contacts alphabetically." The features of claim 41 are described in paragraph [0019] of the specification and in Figure 2 reference numerals 202 and 204.

Dependent claim 42 is a method claim and depends directly from claim 41. Claim 42 recites "blocking the contacts on the normal contacts list and that are not on the primary contacts list from interrupting the ongoing instant messaging conversation." The features of claim 42 are described in paragraph [0019] of the specification.

Dependent claim 44 is a method claim and depends directly form independent claim 40. Claim 44 recites "representing the contacts list as a graphical user interface including a table comprising one column for indicating an online status of each contact in the contacts lists and another column for an interrupt priority ranking of each contact." The features of claim 44 are described in the specification in paragraph [0022] and in Figure 3, reference numeral 304.

Dependent claim 45 is a method claim and depends directly form dependent claim 44. Claim 45 recites "assigning a numerical value to each contact that specifies the interrupt priority ranking of each contact." The features of claim 45 are described in the specification in paragraph [0022] and Figure 3, reference numeral 308.

Dependent claim 46 is a method claim and depends directly from independent claim 40. The features of claim 45 are described in paragraph [0031] of the specification and in Figure 5 reference numeral 520.

VI. Grounds of Rejection to be Reviewed on Appeal

1. Whether claims 1, 5, 10, 16, 40, and 43 are unpatentable under 35 U.S.C. §103(a) over Muller et al. (U.S. Pub. No. 2005/0132011; hereinafter Muller) in view of Kessen et al. (U.S. Pub. No. 2006/0026254; hereinafter Kessen) and in further view of Erb et al. (U.S. Pub. No. 2004/0142703; hereinafter Erb).

2. Whether claim 2 is unpatentable under 35 U.S.C. §103(a) over Muller in view of Kessen in further view of Erb and in further in view of Kirkland et al. (U.S. Pub. No. 2005/0149622; hereinafter Kirkland).

3. Whether claims 6-7 and 20 are unpatentable under 35 U.S.C. §103(a) over Muller in view of Kessen in further view of Erb and in further in view of Brewer et al. (U.S. Patent 5,611,040; hereinafter Brewer).

4. Whether claims 8 and 21 are unpatentable under 35 U.S.C. §103(a) over Muller in view of Kessen in further view of Erb and in further in view of Asokan et al. (U.S. Pub. No. 2005/0220079; hereinafter Asokan).

5. Whether claim 9 is unpatentable under 35 U.S.C. §103(a) over Muller in view of Kessen in further view of Erb and in further in view of Balasuriya et al. (U.S. Pub. No. 2005/0245240; hereinafter Balasuriya).

6. Whether claims 11 and 12 are unpatentable under 35 U.S.C. §103(a) over Muller in view of Kessen in further view of Erb and in further in view of Horvitz et al. (U.S. Pub. No. 2005/0084082; hereinafter Horvitz I).

7. Whether claims 13-14 are unpatentable under 35 U.S.C. §103(a) over Muller in view of Kessen in further view of Savage et al. (U.S. Pub. No. 2001/0009014; hereinafter Savage).

8. Whether claim 15 is unpatentable under 35 U.S.C. §103(a) over Muller in view of Kessen in further view of Erb and in further in view of Suorsa et al. (U.S. Pub. No. 2002/0156831; hereinafter Suorsa).

9. Whether claims 41 and 42 are unpatentable under 35 U.S.C. §103(a) over Muller in view of Kessen in further view of Erb in further in view of Vaara (U.S. Patent 6,400,951; hereinafter Vaara) and in further view of Padawer et al. (U.S. Pub. No. 2002/0052196; hereinafter Padawer).

10. Whether claims 44 and 46 are unpatentable under 35 U.S.C. §103(a) over Muller in view of Kessen in further view of Erb and in further in view of Horvitz et al. (U.S. Pub. No. 2005/0132014; hereinafter Horvitz II).

11. Whether claim 45 is unpatentable under 35 U.S.C. §103(a) over Muller in view of Kessen in further view of Erb in further in view of Horvitz II and in further view of Dugad et al. (U.S. Pub. No. 2004/0127226).

VII. Arguments

Rejection under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Kessen and in further view of Erb

Claims 1, 5, 10, 16, 40, and 43

Claim 1 recites:

"determining at least one of whether the interrupting contact has an interrupt priority ranking higher than, or at least as high as, an interrupt priority ranking of each of the at least two contacts participating in the ongoing instant messaging conversation and whether an interrupting conversation has a higher priority compared to the ongoing instant messaging conversation; and

interrupting the ongoing instant messaging conversation in response to a predetermined one of the interrupt priority ranking of the interrupting contact being higher than, or at least as high as, the interrupt priority ranking of each of the at least two contacts participating in the ongoing instant messaging conversation and the interrupting conversation having a higher interrupt priority ranking compared to the interrupt priority ranking of the ongoing instant messaging conversation."

On page 6 of the Final Office Action dated as mailed 03/25/2008, the examiner admits that Muller, as modified by Kessen, fails to disclose the method as recited in Claim 1. Paragraph [0026] of Erb was cited for teaching the deficiencies of Muller and Kessen. Applicant respectfully submits that Erb also fails to teach the features of the present invention as recited in Claim 1. Paragraph [0026] of Erb recites:

> "[0026]   The present invention relates to a system and method of controlling the delivery of an incoming call directed to a wireless communication device. When an incoming call directed to a wireless communication device is received, the location of the wireless communication device to which the incoming call is destined, is determined. If the wireless communication device is not within a designated zone, the incoming call is directed to the wireless communication device. If the wireless communication device is in a designated zone, the incoming call is handled based on specific criteria. In this manner, important meetings are not interrupted by incoming calls to wireless communication devices unless the incoming calls take priority over the meetings..."

Additionally, Erb in paragraph [0031] recites:

> "[0031]   The telephone system 20 is also programmed with redirection zones within one or both of the floors. The redirection zones correspond with designated areas or zones on the floors such as for example, meeting and/or conference rooms where it is desired to control delivery of incoming calls to wireless communications devices carried by individuals in the designated areas..."

And Erb in paragraph [0035] recites:

> "[0035]   If the wireless communication device is located in a redirection zone, the caller is examined to determine if the caller is a designated caller specified in the redirection zone or if the call importance exceeds the importance threshold assigned to the redirection zone (step 106)."

Accordingly, Erb teaches designating redirection zones within floors of a building where a telephone call directed to a wireless communications device within one of the redirection zones, such as a meeting or conference room (paragraph [0031] of Erb), the call will be redirected so as to not interrupt the user of the communications device within the redirection zone. In paragraph

[0035] Erb is teaching determining if the call importance exceeds the importance threshold assigned to the redirection zone or meeting room. Applicant respectfully submits that Erb does not teach or suggest determining at least one of whether the interrupting contact or call has an interrupt priority ranking higher than, or at least as high as, an interrupting priority ranking of each of the at least two contacts participating in an ongoing instant messaging conversation and whether the interrupting conversation has a higher priority compared to the ongoing instant messaging conversation as provided by the embodiment of the present invention as recited in claim 1. Thus, Applicant respectfully submits Muller, Kessen and Erb fail to teach or suggest the features of Claim 1, and Claim 1 is patentably distinguishable over Muller, Kessen and Erb. Reconsideration and withdrawal of the 35 U.S.C. §103 rejection of Claim 1 is respectfully requested.

With respect to claims 5 and 10, these claims recite additional features which further patentably distinguish over Muller, Kessen, and Erb claim 5 recites:

> "sending a contact busy message to the interrupting contact in response to at least one of the interrupt priority ranking of the interrupting contact being no higher than the interrupt priority ranking of each of the at least two contacts and the interrupt priority ranking of the interrupting conversation being no higher than the interrupt priority ranking of the ongoing instant messaging conversation."

Thus, claim 5 recites sending a contact busy message to the interrupting contact in response to the conditions also recited in claim 1 which as discussed with respect to claims 1 are not taught or suggested by Muller, Kessen and Erb.

Claim 10 recites "setting an instant messaging conversation priority". Applicant respectfully submits that Muller, Kessen and Erb do not teach or suggest setting a priority for an instant messaging conversation for use in determining in claim 1 from which Claim 10 depends whether an interrupting instant messaging conversation has a higher priority compared to the ongoing instant messaging conversation.

Additionally, Claim 5 and 10 depend directly from independent Claim 1, and by virtue of that dependency, include all of the features of independent Claim 1. Therefore, for all of these reasons, Claims 5 and 10 are respectfully submitted to be patentably distinguishable over Muller,

Kessen and Erb for the same reasons as discussed with respect to Claim 1. Reconsideration and withdrawal of the §103 rejection of Claims 5 and 10 is respectfully solicited.

Independent Claims 16 and 40 recite similar features to independent Claim 1. Therefore, Claims 16 and 40 are respectfully submitted to be patentably distinguishable over Muller, Kessen and Erb for the same reasons as discussed with respect to Claim 1. Reconsideration and withdrawal of the §103 rejection of independent Claims 16 and 40 is respectfully requested.

Claim 43 depends directly from independent Claim 40. Because of this dependency, Claim 43 includes all of the features of independent Claim 40. Therefore, Claim 43 is submitted to be patentable over the cited documents for the same reasons as discussed with respect to Claim 40.

Rejection under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Kessen in view of Erb and in further view of Kirkland

Claim 2

Claim 2 recites:

> "selecting a precedence between interrupting the instant messaging conversation based on the interrupt priority ranking of the interrupting contact relative to the interrupt priority ranking of each of the at least two contacts and the interrupt priority ranking of the interrupting conversation relative to the interrupt priority ranking of the instant messaging conversation."

Applicant respectfully submits that there is no teaching or suggestion in Muller, Kessen, Erb and Kirkland of selecting a precedence between the two criteria for interrupting an instant messaging conversation as recited in claim 2. The final Office Action dated as mailed March 25, 2008 states on page 7 that Muller as modified by Kessen as modified by Erb fail to recite the features of claim 2. Paragraph [0052] of Kirkland was cited for this deficiency. Paragraph [0052] of Kirkland recites:

> "[0052]   Messages related to mowing the lawn are configured to have a priority level below a delivery threshold. In other words, the user may configure the instant messaging client to delay delivery of messages having a priority level below a certain

threshold. The client software may be configured to maintain a database of delayed messages. Alternatively, the delayed messages may be appended to their appropriate queues, however, the user must manually view those queues or lower his or her priority threshold. Additionally, the message may be delivered, but display schemes such as using flashing messages to catch the user's attention may be delayed. Joe may configure these low priority messages to be delivered at a later time when Joe has lowered the delivery threshold. Thus, Joe is able to reorder incoming messages according to content priority, and allow/disallow interrupts along the lines of those priorities."

Accordingly, Kirkland teaches delaying the delivery of messages having a priority level below a certain threshold and to maintain a database of delayed messages, or alternately to append the delayed messages to their appropriate queues. Applicant respectfully submits that Kirkland also does not teach or suggest selecting between the two criteria for interrupting an instant messaging conversation as provided by the embodiment of the present invention in Claim 2.

Additionally, claim 2 depends directly from independent claim 1. Because of this dependency, claim 2 includes all of the features of independent claim 1. Applicant respectfully submits that Kirkland adds nothing to the teachings of Muller, Kessen and Erb so as to render independent claim 1 unpatentable. Therefore, for all of the reasons discussed above, claim 2 is respectfully submitted to be patentably distinguishable over Muller, Kessen, Erb, and Kirkland, and reconsideration and withdrawal of the Section 103 rejection of claim 2 is respectfully requested.

Rejection under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Kessen in view of Erb and in further view of Brewer

Claims 6-7 and 20

Claims 6 and 7 depend directly from independent claim 1 and claim 20 depends directly from independent claim 16. Because of these dependencies, claims 6 and 7 include all of the features of independent claim 1 and claim 20 includes all of the features of independent claim 16. Brewer was cited for disclosing a system and method for activating double-click applications with a single-click comprising placing a window in the foreground and taking control of the mouse and keyboard as indicated on page 9 of the final Office Action. Applicant respectfully

submits that Brewer adds nothing to the teachings of Muller, Kessen, and Erb so as to render independent claims 1 and 16 unpatentable. Therefore, claims 6, 7 and 20 are also respectfully submitted to be patentably distinguishable over these documents, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claims 6, 7 and 20 is respectfully solicited.

Rejection under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Kessen in view of Erb and in further view of Asokan

Claims 8 and 21

Claim 8 recites:

> "sending an interrupt notification to any of the at least two contacts
> of the instant messaging conversation not contacted by the
> interrupting contact in response to interrupting the instant
> messaging conversation."

Claim 21 recites similar features. The final Office Action on page 11 admits that Muller, Kessen and Erb fail to disclose the features of claims 8 and 21 as recited above. Asokan was cited as teaching the deficiencies of Muller, Kessen and Erb with reference to paragraph [0038] of Asokan on page 12 of the Office Action. Applicant respectfully disagrees that Asokan teaches the features of claims 8 and 21 as recited above. Paragraph [0038] of Asokan recites:

> "[0038]   In some embodiments of the present invention, the
> packet-switched session may be a push-to-talk session that has
> been initiated by a user of the GSM/GPRS wireless terminal and
> that was established by a push-to-talk server. In response to
> receiving a circuit-switched page, the wireless terminal via, for
> example, a push-to-talk application that is running on the terminal,
> notifies the push-to-talk server that the push-to-talk session is to be
> temporarily suspended. This notification may be forwarded, for
> example, as either a text message or an
> e-mail message that is transmitted over SMS data bearer. The
> message may include, for example, an identifier associated with the
> cellular telephone (e.g., a push-to-talk client ID), identification of
> the reason the push-to-talk session is being suspended, the
> expected interval of the suspension, etc. If other participants in the
> push-to-talk session attempt to communicate with the wireless
> terminal over the push-to-talk session during the period when the
> wireless terminal has suspended the session, the push-to-talk server

> may notify those participants that the wireless terminal is
> temporarily unavailable..."

Accordingly, Asokan teaches sending a message that a push-to-talk session is temporarily suspended or unavailable. Applicant respectfully submits that sending an interrupt notification to any of the at least two contacts of an instant messaging conversation not contacted by the interrupting contact in response to interrupting the instant messaging conversation is patentably distinguishable from the notification that a push-to-talk session is temporarily suspended or unavailable as taught by Asokan. Additionally, claim 8 depends directly from independent claim 1 and claim 21 depends directly from independent claim 16. Applicant respectfully submits that Asokan adds nothing to the teachings of Muller, Kessen and Erb so as to render independent claims 1 and 16 unpatentable as previously discussed. For all of these reasons, dependent claims 8 and 21 are respectfully submitted to be patentably distinguishable over the documents of record, and reconsideration and withdrawal of the Section 103 rejection of claims 8 and 21 is respectfully requested.

Rejection under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Kessen in view of Erb and in further view of Balasuriya

Claim 9

Claim 9 recites "resuming the instant messaging conversation in response to the interrupting conversation being completed. The final Office Action admits on page 13 that Muller, Kessen and Erb fail to disclose the features of claim 9. Paragraph [0013] of Balasuriya was cited for teaching this deficiency. Paragraph [0013] of Balasuriya recites:

> "The disclosure provides an apparatus for and method of
> storing subsequent streaming media in a memory associated with a
> wireless communication device in response to receiving a
> communication request. For example, the disclosure provides for
> selectively storing at least one media of a multicast or unicast
> session in a local memory of a wireless communication device
> when a media streaming session is interrupted by an event, such as

an incoming call. A user of the wireless communication device
can resume playing the session from the local memory when
interruption ends."

Accordingly, Balasuriya teaches recording a streaming multicast or unicast session which can be played to the user after the interrupting event ends. Applicant respectfully submits that resuming an instant messaging conversation in response to the interrupting conversation being completed is patentably distinguishable from recording a streaming multicast or unicast session and then replaying the recorded session as taught by Balasuriya. Additionally, claim 9 depends directly from independent claim 1, and by virtue of that dependency, includes all of the features of independent claim 1. Applicant respectfully submits that Balasuriya adds nothing to the teachings of Muller, Kessen and Erb to render independent claim 1 unpatentable as previously discussed. For all of these reasons, claim 9 is submitted to be patentably distinguishable over Muller, Kessen, Erb, and Balasuriya, and reconsideration and withdrawal of the Section 103 rejection of claim 9 is respectfully solicited.

Rejection under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Kessen in view of Erb and in further view of Horvitz I

Claims 11 and 12

Claim 11 depends directly from independent claim 1 and claim 12 depends directly from claim 11. Because of these dependencies, claims 11 and 12 include all of the features of independent claim 1. Applicant respectfully submits that Horvitz I adds nothing to the teachings of Muller and Kessen and Erb so as to render independent claim 1 unpatentable. Therefore, claims 11-12 are also submitted to be patentably distinguishable over Muller, Kessen, Erb and Horvitz I. Reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claims 11-12 is respectfully requested.

Rejection under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Kessen and in further view of Savage

Claims 13-14

Claim 13 recites:

> "assigning an interrupt priority ranking to all contacts in an
> instant messaging contacts list in a user's communications device."

And claim 14 recites:

> "wherein assigning an interrupt priority ranking comprises one of
> assigning the interrupt priority ranking by placing all contacts in a
> predetermined order in the contact list or auxiliary contact list on
> the user's communications device and by assigning a contact
> priority number to each contact in the contact list."

The final Office Action on page 17 admits that Muller as modified by Kessen fails to disclose a system or method for managing interruptions to network users where an interrupt ranking is assigned to all users or ranking is performed by a predetermined order. Savage was cited for disclosing facilitating real-time, multi-point communications over the internet wherein a scheduler keeps track of and maintains the priority of each participant in each conference citing paragraph [0102] of Savage. Applicant respectfully submits that neither Savage nor the other documents of record teach or suggest the features of claims 13 and 14 as recited above. Additionally, claim 13 depends directly from independent claim 1 and claim 14 depends from claim 13. As a result of these dependencies, claims 13 and 14 include all of the features of independent claim 1. Applicant respectfully submits that Savage adds nothing to the teachings of Muller, Kessen or the other documents of record so as to render independent claim 1 unpatentable. Accordingly, for all of the reasons discussed above, claims 13 and 14 are submitted to be patentably distinct over the documents of record, and reconsideration and withdrawal of the Section 103 rejection of claims 13 and 14 is respectfully solicited.

Rejection under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Kessen in view of Erb and in further view of Suorsa

Claim 15

The final Office Action on page 18 admits that Muller, Kessen and Erb fail to teach the features recited in claim 15. Suorsa was cited for disclosing automated provisioning of computing networks using a network database data model wherein Lightweight Directory Access Protocol (LDAP) verifies the access level of an agent. Claim 15 depends directly from independent claim 1, and because of that dependency, includes all of the features of independent claim 1. Suorsa adds nothing to the teachings of Muller, Kessen and Erb or the other documents of record so as to render independent claim 1 unpatentable. Therefore, claim 15 is submitted to be patentably distinct over Muller, Kessen, Erb and Suorsa as well as the other documents of record, and reconsideration and withdrawal of the Section 103 rejection of claim 15 is respectfully requested.

Rejection under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Kessen in view of Erb in further view of Vaara and in further view of Padawer

Claim 41

Claim 41 recites:

> "dividing the contacts list into a primary contacts list and a normal contacts list, wherein the primary contacts list permits a user to specify the interrupt priority ranking for selected contacts by listing contacts in an order according to their respective interrupt priority order and wherein the normal contacts lists contacts alphabetically."

The final Office Action dated March 25, 2008 admits on page 19 that Muller as modified by Kessen as modified by Erb fails to teach the features of claim 41. Column 5, lines 42-56 of Vaara was cited for this deficiency along with Padawer for teaching merging various request methods into a single unified user interface comprising an alphabetical contact list. Column 5, lines 42-56 of Vaara recite:

> "The invention is based on the idea that the base station selection is performed on the basis of the special cell list composed for the mobile station. When the base station controller directs the selection of the base station, the special cell list of the mobile station subscriber is transmitted to the base station controller during call setup and, if necessary,

during handover execution either from the mobile station or from the mobile services switching center. The system attempts to direct the mobile station to its special service area in call setups and handovers. By using the special cell list it is possible to divide the cells of the network into special cells from the view-point of a single mobile station, for example, into priority cells and common cells. In call setup the mobile station is assigned a traffic channel from the base station of a cell defined as a priority cell for the mobile station when the mobile station is located in the area of such a priority cell. The base station of a cell defined as a priority cell for the mobile station is selected as a target cell for handover when the signal of the base station of such a priority cell is suitable for the handover. In an embodiment of the invention, a handover criterion is set which the signal of the base station of the cell defined as a priority cell in the priority cell list must meet in order for the handover from a common cell of the network to the priority cell of the mobile station to be performed."

Accordingly Vaara teaches base station selection in a cellular network based on a special cell list composed for a mobile station or cellular telephone, wherein the cell is a geographic location where the mobile station is operating. Vaara has nothing to do with the present invention and does not teach or suggest the features of claim 41 as recited above. As previously discussed, Padawer according to the final Office Action merely teaches merging various request methods into a single unified user interface comprising an alphabetical contact list. Accordingly, Applicant respectfully submits that none of the documents of record teach or suggest the features of the embodiment of the present invention as recited in claim 41.

Additionally, claim 41 depends directly from independent claim 40. Applicant respectfully submits that Vaara and Padawer add nothing to the teachings of Muller, Kessen and Erb so as to render independent claim 40 upatentable. For all of these reasons, claim 41 is submitted to be patentable over the documents of record, and reconsideration and withdrawal of the Section 103 rejection of claim 41 is respectfully solicited.

Claim 42

Claim 42 recites:

"blocking the contacts on the normal contacts list and that are not on the primary contacts list from interrupting the ongoing instant messaging conversation."

Paragraph [0008] of Kessen was cited for teaching the features of claim 42. Paragraph [0008] of Kessen recites:

"[0008]   Additionally, moving a dialog window to a "hotspot" may create a
temporary change in the user's status as well. This change may be applied to only the
participant of the particular dialog window moved to the hotspot. For instance, when a
dialog window is in a hotspot area, the user who initiated the "hold" action will have "do-
not-disturb" status associated with that particular dialog window, while other incoming
messages are not affected. When the dialog window is removed from the "hotspot" area
or the user resumes the conversation with the blocked partner, the "hold" indication is
cleared."

Applicant respectfully submits that paragraph [0008] of Kessen does not teach or suggest the

features of claim 42 as recited above. Additionally, claim 42 depends from claim 41 which

depends from claim 40. As previously discussed none of the documents of record teach or

suggest the features of claims 41 and 40. For all of these reasons, claim 42 is submitted to be

patentable over the documents of record. Reconsideration and withdrawal of the Section 103

rejection of claim 42 is requested.

Rejection under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Kessen in view of Erb and in further view of Horvitz II

Claim 44

Claim 44 recites:

"representing the contacts list as a graphical user interface including a table comprising
one column for indicating an online status of each contact in the contacts lists and another
column for an interrupt priority ranking of each contact."

The final Office Action dated as mailed March 25, 2008, admits that Muller, Kessen and

Erb fail to disclose the features of claim 44. Paragraphs [0030] and [0031] of Horvitz II were

cited in rejecting claim 44. Paragraphs [0030] and [0031] of Horvitz II recite:

"[0030]   Turning to FIG. 4, a communications prototype interface 400 is illustrated
in accordance with an aspect of the present invention. As noted above, Bestcom systems
employ best means communication methods based upon preferences of contactees and
contactors. A Bestcom prototype is depicted as the interface 400 and has been used to
explore formal use of expected utility as well as control via the specification of high-level
cost-benefit rules. Considering cost-benefit rules control, the communications system and
interface 400 considers context, including time of day and day of week, as well as the call

priority (which can be interpreted as the cost of deferring a call) of individuals and groups of people. This interface 400 shows a group manager, showing people, grouped by organization and activity, including such groups as meeting in one hour from now, people whom I called today, and so forth.

[0031]   Proceeding to FIG. 5, a diagram 500 depicts how prioritized calls or messages are routed to a receiver of the messages over time and in view of the cost of interruption of the prioritized messages. The high-level cost-benefit version of the communications system allows calls to be routed through to users, even when they are in a mobile setting, but considering the current, dynamically changing cost of interruption, based on meetings, sensed observations (such as a microphone and conversation analysis system picking up conversation), and desktop activities (e.g., what is the user doing now), and settings, such as what is the user's Instant Messenger status set up to report (busy, away, etc.)."

Application respectfully submits that these paragraphs of Horvitz II do not teach the features of claim 44 as recited above. Additionally, claim 44 depends directly from independent claim 40 and as a result of that dependency includes all of the features of claim 40. Horvitz II adds nothing to the teachings of Muller, Kessen and Erb so as to render independent claim 40 unpatentable. For all of these reasons, claim 44 is respectfully submitted to be patentably distinguishable over the cited documents and reconsideration and withdrawal of the Section 103 rejection of claim 44 is respectfully requested.

Claim 46

Claim 46 recites:

"presenting a graphical user interface to each participant in an active instant messaging conversation, wherein the graphical user interface comprises an input means to enter or select a priority of the active instant messaging conversation."

Paragraph [0007] of Horvitz II was cited in the final Office Action as teaching the features of claim 46. Paragraph [0007] of Horvitz II recites:

"[0007]   One particular aspect of the invention, in connection with profile construction and selection, considers demographics, usage, existing profiles as well as various extrinsic data that may provide for example context to a particular personalization effort. Another aspect of the invention employs inference methods in connection with personalization. For example, collaborative filtering, popularity analysis, demographic analysis, and a variety of clustering methods can be employed to analyze a database of preferences stored by a community of users to determine a potential profile or profiles of

preferences that may be suitable for a given user, taking into consideration some partial information about the user or the settings. Other features can include enabling users to define properties about themselves in order to take advantage of potential settings from other users that have similar needs and performance requirements. This includes allowing direct inspection and/or selection of one or more other similar profiles from which the current profile has been synthesized. Other automated techniques include querying users with a set or subset of questions to determine another set of questions that can then be used to direct how best to configure and employ a given system. As can be appreciated, when new profile settings are selected, automated models in the system can provide predictions as to possible future system performance based upon the changed settings (e.g., if this setting is changed, you will receive 20% more medium priority messages per day)."

Applicant respectfully submits Horvitz II does not teach or suggest the features of claim 46. Additionally, claim 46 depends directly form independent claim 40. As previously discussed, Horvitz II adds nothing to the teachings of Muller, Kessen and Erb so as to render independent claim 40 unpatentable. For all of these reasons, claim 46 is also submitted to be patentable over these documents, and reconsideration and withdrawal of the Section 103 rejection of claim 46 is respectfully solicited.

Rejection under 35 U.S.C. §103(a) as being unpatentable over Muller in view of Kessen in view of Erb in view of Horvitz II and in further view of Dugad

Claim 45

Claim 45 recites "assigning a numerical value to each contact that specifies the interrupt priority ranking of each contact". Figure 23 of Dugad was cited in the final Office Action in rejecting claim 45. Paragraph [0131] of Dugad describes Figure 23. Paragraph [0130] of Dugad recites:

> "[0131]   Table 2300 shown in FIG. 23 is suitable for use as a mapping table when forming uplink assignment requests at the WT and interpreting such requests at the BS. The array thre is given by thre=[1, 2, 3, 4, 8, 16, 25, 65]. In this example, each transmitted request includes 5 bits. Each transmitted request listed in the first column 2301 reports information about one stream priority which is listed the second column 2302. This mapping table 2300 is used to implement quantization in the WT and to perform dequantization, e.g., deconding, in the BS. The third column 2304 labeled "n at MS" lists the range of the number of frames (n) at that priority for the WT to make the request

listed in column 2301 of the corresponding row. The "n at BS" column 2306 shows how the BS will interpret the 5 bit request listed in column 2401. Thus, if the WT has 20 frames of priority 3, and no other traffic, it will request R0=29. The BS will interpret this to mean 16 (=thre[5]) frames of priority 3. Thus, the actual value of 20 frames is quantized to 16 frames when the table 2300 is used."

From this recitation from Dugad, Applicant respectfully submits that Dugad does not teach of suggest the features of claim 45. Additionally, claim 45 depends from claim 44 which depends directly from independent claim 40. Applicant respectfully submits that Dugad adds nothing to the teachings of Muller, Kessen, Erb and Horvitz II so as to render claims 44 and 40 unpatentable. For all of these reasons, claim 45 is submitted to be patentable over the cited documents, and reconsideration and withdrawal of the Section 103 rejection of claim 45 is respectfully requested.
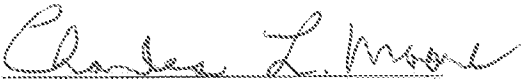
Conclusion

For the reasons discussed above, Applicant respectfully submits that the rejections standing in this application are improper. The Examiner has failed to establish a *prima fascia* case of obviousness under 35 U.S.C. §103(a) with respect to claims 1, 2, 5-16, 20, 21, and 40-46 over the cited documents. Therefore, Applicant respectfully submits that claims 1, 2, 5-16, 20, 21, and 40-46 are in condition for allowance. Reversal of the rejection of claims 1, 2, 5-16, 20, 21, and 40-46 is respectfully requested.

Respectfully submitted,

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VIII. Claims Appendix

1. (Previously Presented) A method for managing interrupts in an instant messaging application, comprising:

receiving an interrupt request from an interrupting contact during an ongoing instant messaging conversation between at least two contacts;

determining at least one of whether the interrupting contact has an interrupt priority ranking higher than, or at least as high as, an interrupt priority ranking of each of the at least two contacts participating in the ongoing instant messaging conversation and whether an interrupting conversation has a higher priority compared to the ongoing instant messaging conversation; and

interrupting the ongoing instant messaging conversation in response to a predetermined one of the interrupt priority ranking of the interrupting contact being higher than, or at least as high as, the interrupt priority ranking of each of the at least two contacts participating in the ongoing instant messaging conversation and the interrupting conversation having a higher interrupt priority ranking compared to the interrupt priority ranking of the ongoing instant messaging conversation.

2. (Original) The method of claim 1, further comprising selecting a precedence between interrupting the instant messaging conversation based on the interrupt priority ranking of the interrupting contact relative to the interrupt priority ranking of each of the at least two contacts and the interrupt priority ranking of the interrupting conversation relative to the interrupt priority ranking of the instant messaging conversation.

3. Canceled

4. Canceled

5. (Previously Presented) The method of claim 1, further comprising sending a contact busy message to the interrupting contact in response to at least one of the interrupt priority ranking of the interrupting contact being no higher than the interrupt priority ranking of each of the at least two contacts and the interrupt priority ranking of the interrupting conversation being no higher than the interrupt priority ranking of the ongoing instant messaging conversation.

6. (Original) The method of claim 1, further comprising:

presenting a graphical user interface (GUI) representation of the interrupting conversation in a foreground of a display in response to interrupting the instant messaging conversation; and

transferring a keyboard focus to a type-in box of the interrupting conversation in response to interrupting the instant messaging conversation.

7. (Original) The method of claim 1, further comprising presenting a graphical user interface (GUI) representation of the instant messaging conversation in a background of a display in response to interrupting the instant messaging conversation.

8. (Original) The method of claim 1, further comprising sending an interrupt notification to any of the at least two contacts of the instant messaging conversation not contacted by the interrupting contact in response to interrupting the instant messaging conversation.

9. (Original) The method of claim 1, further comprising resuming the instant messaging conversation in response to the interrupting conversation being completed.

10. (Original) The method of claim 1, further comprising setting an instant messaging conversation priority.

11. (Original) The method of claim 1, further comprising selectively blocking interrupts.

12. (Original) The method of claim 11, further comprising overriding an interrupts block.

13. (Previously Presented) The method of claim 1, further comprising assigning an interrupt priority ranking to all contacts in an instant messaging contacts list in a user's communications device.

14. (Previously Presented) The method of claim 13, wherein assigning an interrupt priority ranking comprises one of assigning the interrupt priority ranking by placing all contacts in a predetermined order in the contact list or auxiliary contact list on the user's communications device and by assigning a contact priority number to each contact in the contact list.

15. (Previously Presented) The method of claim 1, further comprising deriving an interrupt priority ranking for each contact from a Lightweight Directory Access Protocol (LDAP) or from a reporting chain.

16. (Previously Presented) A method for managing interrupts in an instant messaging application, comprising:

receiving an interrupt request from an interrupting contact during an ongoing instant messaging conversation between at least two contacts;

interrupting the instant messaging conversation based on a set of interrupt rules, wherein interrupting the instant messaging conversation based on the set of interrupt rules comprises:

permitting the ongoing instant messaging conversation to be interrupted in response to interrupts being selectively permitted; and

determining that the interrupting conversation has an interrupt priority ranking higher than an interrupt priority ranking of the ongoing conversation; and

sending an interrupt blocked message to the interrupting contact in response to interrupts being selectively blocked.

17-19 Canceled

20. (Original) The method of claim 16, further comprising presenting a GUI representation of the interrupting conversation in a foreground of a display in response to interrupting the instant messaging conversation.

21. (Original) The method of claim 16, further comprising sending an interrupt notification to any of the at least two contacts of the instant messaging conversation not contacted by the interrupting contact in response to interrupting the instant messaging conversation.

22-39 Canceled

Please add new claims 40-46.

40. (Previously Presented) A method for managing interrupts in an instant messaging application, comprising:

receiving an interrupt request from an interrupting contact or user during an ongoing instant messaging conversation between at least two contacts or users;

determining whether the interrupting contact or user has an interrupt priority ranking in a contacts list higher than, or at least as high as, a priority ranking of each of the at least two contacts or users in the contacts list participating in the ongoing instant messaging conversation; and

interrupting the ongoing instant messaging conversation in response to the interrupt priority ranking of the interrupting contact or user being higher than, or at least as high as, each of the at least two contacts or users.

41. (Previously Presented) The method of claim 40, further comprising dividing the contacts list into a primary contacts list and a normal contacts list, wherein the primary contacts list permits a user to specify the interrupt priority ranking for selected contacts

by listing contacts in an order according to their respective interrupt priority order and wherein the normal contacts lists contacts alphabetically.

42. (Previously Presented) The method of claim 41, further comprising blocking the contacts on the normal contacts list and that are not on the primary contacts list from interrupting the ongoing instant messaging conversation.

43. (Previously Presented) The method of claim 40, further comprising indicating in the contacts list when a contact is online and available to enter into a new instant messaging conversation.

44. (Previously Presented) The method of claim 40, further comprising representing the contacts list as a graphical user interface including a table comprising one column for indicating an online status of each contact in the contacts lists and another column for an interrupt priority ranking of each contact.

45. (Previously Presented) The method of claim 44, further comprising assigning a numerical value to each contact that specifies the interrupt priority ranking of each contact.

46. (Previously Presented) The method of claim 40, further comprising presenting a graphical user interface to each participant in an active instant messaging conversation, wherein the graphical user interface comprises an input means to enter or select a priority of the active instant messaging conversation.

IX. Evidence Appendix

None.

X. Related Proceedings Appendix

None.